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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/682,554

10/10/2003

Hideki Nagatsuka

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05/01/2006

EXAMINER

HARTMAN JR, RONALD D

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ART UNIT

PAPER NUMBER

2121

DATE MAILED: 05/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/682,554

Applicant(s)

NAGATSUKA ET AL.

Examiner

Ronald D. Hartman Jr.

Art Unit

2121

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) ☒ Notice of References Cited (PTO-892) | 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) ☐ Notice of Informal Patent Application (PTO-152) |
| 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) ☐ Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The IDS filed on 1/27/2006 had two references listed, specifically AC and AE, which were in a language other than English and therefore not considered since the examiner was not able to read them.

Claim Objections

2. Claim 10, the applicant is kindly asked to remove the second "a" in line 2.
Claims 10-13, last limitation, what is being shut down? The operation terminal, the power plant equipment or the central control room? It is assumed the applicant meant to convey that the mobile terminal shuts down the power plant equipment without using the central control room for the actual shut down.

As per claims 10-11, "in the vicinity" is not clearly defined by the claims, and the specification does not provide details to lend a clear definition as to what is intended by "in the vicinity". What distance defines "a vicinity"? Therefore, for examination purposes, "the vicinity" has been interpreted to mean "anywhere inside the facility".

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 10-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Oberg et al., U.S. Patent Application Publication No. 2003/0061295.

As per claim 10, Oberg et al. teaches:

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A system (e.g. Figure 1) for operating power plant equipment (e.g. [0005], line 2, “power plant”) at a power plant worksite through a network (e.g. wireless or wired LAN; [0010]) by a remote control signal through wireless communication from the power plant worksite, the system comprising:

- a mobile operation terminal for inputting a signal of a requested operation of the power plant equipment and generating a radio wave signal of the input signal, the operation terminal being movable to an any point of possible moving routes at the power plant worksite (e.g. a mobile device, Figure 1 element 102, communicating wirelessly, element 104, with any one of a plurality of wireless access points, elements 106, located around the facility);
- a plurality of wireless transceivers (receiver-transmitters) located “in the vicinity” of the power plant equipment, with each of the transceivers being located at a respective appropriate point of the routes in order for wireless communication with the mobile operation terminal by the generated radio wave (e.g. the claimed transceivers are functionally equivalent to the multiple wireless access points located around the facility, since they are functionally equivalent, that is, they both provide 2-way communications between the mobile device and the equipment being controlled);
- a control device connected to the power plant equipment and connected to the wireless transceivers and a central control room (e.g. Figure 1, element 118) via a network, wherein the requested operation of the power plant equipment is effected under control of the control device enabled with a control signal transmitted from one of the wireless transceivers enabled with its receipt of the radio wave signal generated by the mobile operation terminal, and wherein operation of the power plant equipment is monitor able by the mobile operation terminal in a timely and immediate manner without contact the central control room (e.g. “directly”; [0014]), wherein the mobile operation terminal is configured to accept an operation request to operate the power plant equipment which can then be shut down by the mobile operation terminal instead of via the central control room (e.g. adequately described or disclosed by monitoring and controlling field devices, especially in light of the fact that Oberg et al. teaches the need for efficiently addressing emergency situations in real time (e.g. [0006], [0007] and

[0016]-[0017]) and since Oberg et al. also discloses the filed devices being comprised of on/off switches (e.g. [0005]) which may be monitored and controlled as necessitated by the operations of the system (e.g. [0005])).

As per claims 11-13, the rejections, as applied to claim 10 above, are applied equally herein.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 14-15 are rejected as being unpatentable over Oberg et al., as applied to claims 12 and 13 above, in view of Nixon et al., U.S. Patent No. 2002/0130846.

As per claims 14-15, Oberg et al. does not specifically teach the mobile terminal displaying the same information that is displayed in the central control room.

Nixon et al. teaches a portable computer displaying the same information that is displayed on a centralized host computer (e.g. [0051]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the teachings of Nixon et al. into Oberg et al.'s disclosed system for allowing an operator the ability to remotely monitor and control plant equipment from either the central control room or by utilizing a mobile control device, thereby increasing the overall flexibility of the communication system.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald D. Hartman Jr. whose telephone number is (571) 272-3684. The examiner can normally be reached on Mon.-Fri., 11:00 - 8:30 pm, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached on (571) 272-3687. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ronald D Hartman Jr.

Patent Examiner

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April 21, 2006

RDH


Anthony Knight
Supervisory Patent Examiner
Group 3600